

CONFIDENTIALOLL 85-3045
24 July 1985

MEMORANDUM FOR THE RECORD

SUBJECT: Defector Citizenship Legislation:
25 June 1985 Meeting with
Representative Mazzoli

1. On 18 June 1985, the following Agency personnel met with Representative Romano Mazzoli to discuss legislation to expedite the naturalization of certain United States intelligence sources: Charles A. Briggs, Director, Office of Legislative Liaison; [redacted] Chairman, Interagency Defector Committee, [redacted] [redacted] Legislation Division, Office of Legislative Liaison. Also present were "Skip" Endres, Majority Counsel to the Subcommittee on Immigration, Refugees and International Law of the House Judiciary Committee and Bernadette Maguire, Legislative Assistant to the Subcommittee. [redacted]

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2. The Agency representatives refreshed the Representative's memory as to the need for this legislation and explained the Agency's position on the various legislative proposals. The Representative was cautiously supportive. He indicated that he was not opposed to the legislation, but would be willing to listen to the Agency make its case on the subject. [redacted]

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3. The meeting was rather short as it took place in the middle of the markup of unrelated legislation by the full House Judiciary Committee. We thanked Representative Mazzoli for his time and he indicated that he would be at the hearings on the legislation to be held by the House Permanent Select Committee on Intelligence on 25 June 1985. [redacted]

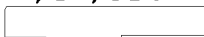


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Legislation Division
Office of Legislative Liaison
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CONGRESSIONAL RECORD — Extensions of Remarks

July 22, 1985

Columbia, individuals hired by the government of the District of Columbia after September 30, 1985, would be excluded from the Federal retirement, life insurance, and health benefits programs.

CONTRIBUTION RATES FOR POSTAL SERVICE AND D.C. GOVERNMENT

The rates at which agencies contribute to the Retirement Fund currently parallel the rates paid by employees. This is true even for purportedly financially self-sufficient entities such as the Postal Service and the D.C. government. Under this proposal, these two entities would be charged the difference between the dynamic normal cost of the Retirement System (as determined by the Board of Actuaries) and the employee contribution rate, thus ending a substantial, hidden Federal subsidy to these entities. This change would be phased in by adding 2 percent each year to the agency contribution rate until the correct contribution rate is reached.●

WILLIAM J. DRIVER

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 22, 1985

● Mr. MONTGOMERY. Mr. Speaker, this Nation recently lost a truly great American, William J. "Bill" Driver, the former head of both the Veterans' Administration and Social Security Administration. Bill died of kidney failure June 25 at Arlington Hospital.

If greatness comes to those with courage, with knowledge of duty, and with a sense of honor in action, then Bill Driver was superlative greatness. He had it all in abundance.

President Lyndon Johnson once referred to him as "the best manager in Government." Beloved by those who worked for him, the owner of tremendous bipartisan respect and support here on Capitol Hill, and blessed with the all-too-rare ability to please both the administration and the Congress, Bill Driver took the Veterans' Administration to new heights of achievement and recognition.

Bill began his service to the Nation in the Army during World War II, serving as a commissioned officer with headquarters, adjutant general, European theater of operations, from 1942 until his separation from active duty in 1946. His military decorations included recognition from Great Britain and France as well as the United States. He held the Legion of Merit, the Bronze Star, the Order of the British Empire and the Croix de Guerre.

Bill interrupted his civilian career in 1951 to return to active duty to serve for 2 years as a lieutenant colonel with the Office of the Assistant Chief of Staff, U.S. Army.

Bill joined the VA in 1946 as special assistant to the Assistant Administrator for contact and Administrative Service. Moving through the ranks as a records management service director, the compensation and pension service director, chief benefits director, and deputy administrator, he became the

first career employee to head the agency when, in December 1964, President Johnson appointed him Administrator. Along the way, he earned the VA's highest awards, the exceptional service medal and the meritorious service medal.

In 1964, the National Civil Service League honored him as 1 of the 10 most outstanding persons in the civil service. A year later, the society for advancement of management named him the winner of its management achievement award for significant contributions toward the advancement of management in government.

Among Bill's notable achievements during his career with the VA were: reform of the veterans' pension law to make it fairer for both the veteran and the taxpayer; the large scale application of automatic data processing to streamline the VA's massive record-keeping system, including the establishment of a new department of data management; and a work measurement and performance standards program to improve operations and the quality of service of the VA.

As a member of the Committee on Veterans' Affairs, I had the privilege and pleasure of working with Bill during his tenure as Administrator. One thing stands out—he was never content to sit in his office and delegate. He literally walked the Halls of Congress and made himself visible and available to every Member. Much of his success can be directly attributed to his unique desire to "get into the middle of things," his high level of participation in the legislative and administrative process.

Bill Driver had access to the White House like no previous Administrator nor any since. He was held in high regard by President Johnson, to whom he became a trusted adviser. That was probably the single most important factor, aside from his own natural and developed talents, ensuring his success at administering effectively and expeditiously.

President Johnson appointed him to serve on several important committees, including the President's Committee on Health Manpower, the board of foreign scholarships, the Joint United States-Philippine Commission, the President's Committee on Consumer Affairs and the National Housing Council.

In 1969, Bill left the VA and became president of the Manufacturing Chemists Association, a position he held until 1978. He practiced law in Washington until 1980, the year he was appointed Commissioner of Social Security.

During his year as head of the Social Security Administration, he oversaw the distribution of more than \$100 billion in pension benefits and \$12 billion in welfare benefits.

Mr. Speaker, I'm sure that my colleagues will want to join with me in expressing our respect for this man's commitment to being no one's enemy,

to his lifetime of remarkable contributions to the programs that benefit veterans and their families as well as other Federal beneficiaries, and to the incredible talents he developed as a leader. Anyone that knew Bill Driver or is aware of his remarkable record knows that he was an exceptional man.●

STRENGTHENING THE INTELLIGENCE IDENTITIES PROTECTION ACT

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 22, 1985

● Mr. HYDE. Mr. Speaker, the omnibus intelligence bill (H.R. 1082) introduced at the beginning of this Congress by Mr. STUMP, the ranking member of the House Permanent Select Committee on Intelligence, contains a number of provisions that deserve our immediate consideration in light of recent events.

For purposes of this discussion, I would like to focus on title VIII of this measure which would strengthen the Intelligence Identities Protection Act that became law several years ago.

Although this legislation was intended to deter the exposure of undercover intelligence personnel, it has not accomplished its objective to the degree envisioned at the time of enactment. To some extent, this is because some of the statute's original teeth were pulled as it worked its way through the legislative process.

Title VIII of Mr. STUMP's bill recognizes this problem as it mandates the termination of Federal annuity benefits of any Government employee convicted of disclosing the identity of U.S. undercover intelligence personnel. In addition, it also permits wiretaps in probes relating to the exposure of clandestine operatives.

Before going any further, I want to make it crystal clear that I believe that the overwhelming majority of our Government employees, as well as Federal annuitants, are very conscientious and patriotic citizens. They are, moreover, just as disturbed as I am about these unauthorized revelations which are so damaging to our national security. I am confident, therefore, that they would be among the first to applaud this remedial legislative proposal.

As Members will note, this Stump initiative is potentially very relevant to the spy case involving a CIA employee, Ms. Sharon M. Scranage, who has been charged with committing espionage with a Ghanian national, Mr. Michel Agbotui Soussoudis.

Among other things, the criminal complaint affidavits filed by the FBI state that Ms. Scranage provided Mr. Soussoudis handwritten lists containing the true names of individuals who

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were cooperating covertly with the CIA, and that Ms. Scranage met with Mr. Soussoudis and two Ghanaian agents and discussed CIA assets and sources in Ghana and other locations.

Most certainly, I do not want to pre-judge this case or comment on the FBI's allegations. I cite it, however, as an illustration of the kind of conduct title VIII is designed to address.

Mr. Speaker, in conclusion, I would like to call to my colleagues' attention a pertinent op-ed I wrote on the deficiencies of the identities protection law that appeared in Human Events last year.

INTELLIGENCE IDENTITIES ACT: WORDS, NO TEETH

(By Representative Henry J. Hyde)

As a member of Congress, I frequently witness legislative efforts that are long on symbolism but short on substance. Sometimes these efforts are so useless that they remind me of a baseball pitcher with the stylish windup of Hall of Famer Sandy Koufax but who forgot to pick up the ball!

A case in point is the Intelligence Identities Protection Act that Congress passed a couple of years ago. What triggered this nobly intended—but ineffective—initiative was a relentless stream of disclosures. Certain individuals, including turncoat U.S. intelligence officer Philip Agee, were busily and systematically disclosing the names of those clandestinely employed by the various U.S. intelligence agencies.

The CIA station chief in Athens was killed after his cover was blown by the magazine CounterSpy. Subsequently, in a near tragedy, the homes of the U.S. Embassy's first secretary in Jamaica and an AID employee were fired upon shortly after the American editor of Covert Action Information Bulletin claimed in a press conference that those U.S. officials and 13 other Americans, as well as Jamaicans, were associated with the CIA.

In this instance, not only were the names of these individuals revealed, but also their home addresses, telephone and auto license numbers. Fortunately, the American officials and families involved in this attack survived unscathed. It was a close call, however, as two of the bullets penetrated the bedroom window of one of the children who was providentially away at the time. Against this compelling backdrop, Congress finally attempted to remedy a situation that was seriously undermining human intelligence collection efforts around the world.

Lamentably, the legislation that eventually emerged was so watered down that it has not really accomplished its objective of deterring the exposure of undercover intelligence personnel.

After considerable debate, Congress determined that for a non-government individual to be convicted under this legislation, the government would have to prove that such a person had engaged in "a pattern of activities intended to identify and expose covert agents and with reason to believe that such activities would impair or impede the intelligence activities of the United States."

Clearly not covered by this legislative provision would be those journalists who, during the course of a story, casually mention the name of a covert intelligence operative. Particularly instructive in this regard is the conference report to the Identities Protection Act which offers the following interpretation:

"A journalist writing stories about the CIA would not be engaged in the requisite 'pattern of activities,' even if the stories he

wrote included the names of one or more covert agents, unless the government proved that there was an intent to identify and expose agents. To meet the standard of the bill, a discloser must be engaged in a purposeful enterprise of revealing identities—he must, in short, be in the business of 'naming names.'"

Armed with this congressional analysis and legislative history, many journalists have no qualms about dropping the name of an undercover agent in order to make a story a little "sexier" or seemingly more credible. For example, the Washington Post ran an article by correspondent John Lantigua in an early July 1984 edition that illustrates my point.

The thrust of the story concerned an American citizen waiting to be tried in Nicaragua for espionage. Among other things, Lantigua reported that this individual declared that he sold intelligence information to a U.S. diplomat whom Lantigua named and claimed an unnamed former U.S. State Department official had revealed as having been employed by the CIA.

In my opinion, such a titillating disclosure violates the spirit, if not the letter, of the Identities Protection Act.

(Incidentally, it is interesting and ironical to note that Lantigua took pains to protect the anonymity of his ex-State Department source while having no compunction whatsoever about revealing the alleged CIA ties of a U.S. Embassy employee who may have been falsely identified as can be the case in leaks of this nature.)

These actions point up that, from an intelligence standpoint, the random or isolated disclosure by an individual journalist can be just as deleterious as the wholesale revelations that used to be featured in the Covert Action Information Bulletin.

In fairness to the Washington Post, it must be mentioned that it is not alone in allowing the publication of reports with damaging revelations regarding those under cover. As Jay Peterzell indicates in the May/June 1984 edition of First Principles: National Security and Civil Liberties, such prestigious and reputable news organs as the New York Times and the Wall Street Journal have also published—since the passage of the identities protection legislation—similar stories in the apparent belief that they would not be "exposed to the prosecution under the Identities Act as now interpreted, even though many of these disclosures appear to have embarrassed the U.S. government or to have interfered with ongoing intelligence activities."

Elsewhere in the same article, Peterzell insightfully observes that "perhaps the most significant effect of the conference report on the legislation is to resolve the doubts of reporters and others about the intended scope of the identities act. Lawyers for the Washington Post and the Christian Science Monitor said the report had convinced them the Act is not meant to apply to reporters who identify an agent in the context of a news story."

In sum, the Intelligence Identities Protection Act has turned out to be largely symbolic legislation.

I will concede that it does appear to have caused the Covert Action Information Bulletin to stop publishing its "Naming Names" column, but even this notorious journal has dared to reveal occasionally the identity of individuals within the context of a story.

Again, Peterzell is informative as he points out that the Bulletin's editor, Louis Wolf, has stated that "on several occasions, we have published articles that discuss CIA activities and identified people when it was important to the story. We got legal advice and went ahead."

Short of remedial legislation, my only and fervent hope, therefore, is that responsible, professional journalists will emulate the recent example of the Christian Science Monitor which decided, according to Peterzell, not to reveal a name "for moral rather than legal reasons."

This is indeed a transcendent reason and such restraint could literally mean the difference between life and death for some dedicated employee of this nation's intelligence community. ●

SOVIETS SUBJECT THEIR JEWISH CITIZENS TO HORRENDOUS HUMAN RIGHTS ABUSES

SPEECH OF

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1985

● Mr. WAXMAN. Mr. Speaker, like the Members who have spoken today, I too have visited the Soviet Union and seen the plight of Soviet Jews at close range. I can thus understand the sadness, rage, and disgust that my colleagues feel as they rise to speak of their recent experiences.

Let me illustrate Soviet policy toward Jews by describing the current plight of one unfortunate Soviet Jew, Mr. Yosef Berenshtein.

Mr. Berenshtein is a 47-year-old engineer who has been active teaching Hebrew in Kiev. He was sentenced in December 1984 to 4 years in prison on the trumped-up charges of "hooliganism" and "resisting arrest." In prison the next day, he was attacked, either by guards or by inmates incited by guards. Mr. Berenshtein was blinded in his right eye and severely injured in his left. The nerves of his right eye were severed and the bones around it smashed.

Four days later, when his unsuspecting wife arrived at the prison to visit him, she was told by the guards that he had gone crazy and maimed himself. After seeing her husband with one eye bleeding and the other completely gouged out, Mrs. Berenshtein left the hospital in a state of shock.

Mrs. Berenshtein's grief and horror were magnified by the experience of the Berenshtein's daughter, Yana, who has also been actively trying to promote Jewish culture in Kiev. The Soviet authorities had previously threatened to have Yana raped and disfigured if she did not cease these activities.

An enormous effort on the part of Westerners concerned about Josef Berenshtein has succeeded in getting him transferred from the prison to a hospital in Leningrad, where he will receive much better medical care. There is still only a small chance, however, that anything approaching normal sight will be restored.

Mr. Speaker, I do not describe Mr. Berenshtein's case because it is objectively more important than the tens of thousands of other cases of Soviet